

Remarks

Claims 26, 27, 29 and 42-55 are pending in the subject application. By this Amendment, Applicants have canceled claims 51, 53 and 55 and amended claims 26, 42, 47, 48, 49 and 54. Support for the amendments can be found throughout the subject specification and in the claims as originally filed (see, for example, pages 19-20). Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 26, 27, 29, 42-50, 52 and 54 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

Applicants gratefully acknowledge the Examiner's withdrawal of the rejections under 35 U.S.C. § 112, first and second paragraphs. In the event that any issues remain to be resolved upon review and consideration of this after-final amendment, the undersigned respectfully requests the courtesy of an interview in order to discuss any such issues.

Claims 26, 27, 29 and 46-55 remain provisionally rejected for obviousness-type double patenting over claims 23-25, 37-42, 44, 46-55, 57, 59-60 and 63-65 of co-pending application 10/738,123 (now U.S. Patent No. 7,642,341). Applicants respectfully assert that the claims are not obvious over the cited patent. However, in order to expedite prosecution of the subject application, Applicants have submitted a Terminal Disclaimer with this Amendment which obviates this rejection. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 26, 27, 29, 42-45 and 51-55 remain rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Office Action maintains that the scope of the claims includes a genus of H33 antibodies (*i.e.*, derivatives and/or a single domain antigen binding fragment) that is highly variable. Applicants respectfully assert that there is adequate written description in the subject specification to convey to the ordinarily skilled artisan that they had possession of the claimed invention. However, by this Amendment, Applicants have deleted reference to V_{HS} and V_{HH} from the claims. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, first paragraph, is respectfully requested.

Claims 26, 27, 29, and 42-55 are rejected under 35 U.S.C. § 112, first paragraph, as nonenabled by the subject specification. The Office Action maintains that the subject specification is enabled for a labeled angiogenesis inhibiting molecule and a method of binding an angiogenesis inhibiting molecule to JAM-C comprising a label and an angiogenesis inhibiting molecule but is not enabled for a derivative and/or single domain antigen-binding fragment of the H33 antibody. Applicants respectfully assert that the claims as filed are enabled. However, it is believed that the amendments made to the claims have rendered this issue moot. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

Claims 26, 27, 29, 42-45 and 54 are rejected under 35 U.S.C. § 102(b) as anticipated by Aurrand-Lions *et al.* (2001) in light of Bazzoni (2003). The Office Action maintains that Aurrand-Lions *et al.* disclose a rat monoclonal antibody specific for JAM-C, in light of Bazzoni, including the 13H33 monoclonal antibody. Applicants respectfully assert that the cited references do not anticipate the invention now claimed in this matter. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(b) is respectfully requested.

Claims 26, 27, 29 and 42-55 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite. The Office Action indicates that it is not clear what the metes and bounds are of “V_{HS}” in step (d) of claim 26. Applicants respectfully assert that the claims as filed are definite. Applicants have deleted step (d) in claim 26 thereby rendering this rejection moot. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Claims 26, 47 and 55 are rejected under 35 U.S.C. § 103(a) as obvious over Aurrand-Lions *et al.* (2001) in light of Bazzoni (2003), in view of Kucherlapati *et al.* (U.S. Patent No. 6,075,181). The Office Action indicates that Aurrand-Lions *et al.* teach monoclonal antibodies specific for JAM-C, in light of Bazzoni and that the prior art monoclonal antibody binds to JAM-C. The Office Action notes that the art does not teach human monoclonal antibody. The Office Action asserts that Kucherlapati *et al.* teach fully human monoclonal antibodies using Xenomice wherein the art suggests such antibodies are desirable for therapeutic and in vivo diagnostic use. The Office Action concludes that one of ordinary skill in the art would have been motivated, and had a reasonable expectation of success at the time the invention was made, to prepare human monoclonal antibody that binds to JAM-C because Aurrand-Lions *et al.* teach monoclonal antibody binds to JAM-C and

Kucherlapati *et al.* teach how to make human monoclonal antibody and the use of said antibodies. Thus, the Office Action notes, it would have been *prima facie* obvious to prepare human monoclonal antibody that binds to JAM-C in view of the teachings of Aurrand-Lions *et al.* and Kucherlapati *et al.* Applicants respectfully assert that the claimed invention is not obvious over the cited references as the combination of references fails to render antibodies containing the claimed complementarity determining regions (CDRs) obvious. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

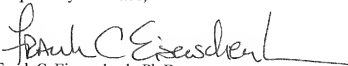
It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank C. Eisenschenk", with a long horizontal flourish extending to the right.

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Attachment: Terminal Disclaimer